

Message

From: Wilson, Adam [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=798D4A8ECF794568B6EA3C0657162235-WILSON, ADA]
Sent: 7/26/2017 4:55:57 PM
To: O'Lone, Mary [olone.mary@epa.gov]; Garnett, Desean [Garnett.Desean@epa.gov]
Subject: RE: Whether or not ADC is subject to Title VI

Ex. 5 AC/DP

From: O'Lone, Mary
Sent: Wednesday, July 26, 2017 12:00 PM
To: Garnett, Desean <Garnett.Desean@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: Whether or not ADC is subject to Title VI

OK. I have thought more & read & re-read all the cases.
Let me know what you think of what I plan to say today:

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Garnett, Desean
Sent: Monday, July 24, 2017 6:25 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: Whether or not ADC is subject to Title VI

Ex. 5 AC/DP

Desean

Desean Garnett

U.S. EPA Region 9
Attorney-Advisor
(415) 972-3046

From: O'Lone, Mary
Sent: Monday, July 24, 2017 2:22 PM
To: Garnett, Desean <Garnett.Desean@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: Whether or not ADC is subject to Title VI

Hey, thanks for the case.

Ex. 5 AC/DP

I won't go into Lexis if you've already done it.
Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Garnett, Desean
Sent: Monday, July 24, 2017 2:31 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: Whether or not ADC is subject to Title VI

Ex. 5 AC/DP

Desean Garnett
U.S. EPA Region 9
Attorney-Advisor
(415) 972-3046

From: O'Lone, Mary
Sent: Monday, July 24, 2017 9:28 AM
To: Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: Whether or not ADC is subject to Title VI

Thanks for the mini brief. I spent time in that same rabbit hole on Thursday & Friday.

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Wilson, Adam

Sent: Monday, July 24, 2017 12:08 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>

Subject: RE: Whether or not ADC is subject to Title VI

Ex. 5 AC/DP

requirements submitted by the Chairperson of BOA; and (3) Have its staffing, employment and job descriptions of its officers and employees and physical logistical support subject to the approval of the Chairperson of BOA. Also, the head of the HDOA is an ex officio member of the ADC board. So there appears to be a decent argument for finding that ADC is a program or activity because the BOA, which is nested within the HDOA, appears to have authority over ADC's spending, communications, staffing, and operations.

Starr supports finding that ADC is a program or activity because there's a lot of factual overlap between DAGS and the ADC:

- Administratively attached to FFA recipient
- FFA recipient is not attached to any other State department
- Although no day-to-day control or supervision, power to authorize spending, communications, staffing, and operations.
- Entities have separate board and commission
- Separate budgets – no FFA for operating budget for DAGS or ADC. But funding and budget are required by statute to be included in FFA recipient's consolidated budget.

~~The Starr decision applies a broad reading of "program or activity." The thrust of the constitution is that in exercising~~

Ex. 5 AC/DP

From: O'Lone, Mary
Sent: Friday, July 21, 2017 5:42 PM
To: Garnett, Desean <Garnett.Desean@epa.gov>
Cc: Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: Whether or not ADC is subject to Title VI

I don't know why I found this so difficult, but I did.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Is that how you read it?

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Thursday, July 20, 2017 8:31 AM
To: Garnett, Desean <Garnett.Desean@epa.gov>
Cc: Adam Wilson (wilson.adam@epa.gov) <wilson.adam@epa.gov>
Subject: RE: Whether or not ADC is subject to Title VI

Desean,
I am reading the report, but it is long.

Ex. 5 AC/DP

Or did you already look at that? I don't want to reinvent the wheel.
Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Garnett, Desean
Sent: Friday, May 19, 2017 4:35 PM

To: O'Lone, Mary <OLone.Mary@epa.gov>

Subject: Whether or not ADC is subject to Title VI

Mary,

Ex. 5 AC/DP

Desean

Desean Garnett
Attorney-Advisor
U.S. EPA Region 9
(415) 972-3046
garnett.desean@epa.gov

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